

## **EXHIBIT D**

October 23, 2018

**VIA EMAIL**

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Re: *National Association for the Advancement of Colored People, Spring Valley Branch v. East Ramapo Central School District, No. 17 Civ. 8943*

Dear Counsel:

In furtherance to Plaintiffs' letter dated October 12, 2018, we write to follow up regarding additional deficiencies in the District's document production.

As stated in Plaintiffs' September 11, 2018 letter to the District, Plaintiffs were aware of at least two email addresses for Board member Pierre Germain: pc7germ@gmail.com and pcgerm@optonline.net. At the October 18, 2018 deposition of Mr. Germain, he confirmed that he in fact used both email addresses to communicate with other Board members throughout his five-year tenure on the Board. Mr. Germain also testified that he gave documents from both email accounts to the District's counsel for search and production. *See* Rough Transcript of Pierre Germain at 136:21-137:6; 140:7 (Explaining he gave counsel "access" to both accounts). Additionally, Mr. Germain confirmed that he would have indeed received and given counsel access to clearly responsive documents, that he "save[s] [his] e-mail" and does "not really" delete his email messages, and that he has not intentionally deleted emails relating to his service on the Board since this litigation has commenced. *See id.* at 141:2-18.

As first raised in Plaintiffs' September 11, 2018 letter, Mr. Germain has not produced any documents to date. The District responded that documents from Mr. Germain were "collected and produced" but that "before production [you] removed from the database exact duplicate documents" and that, had the de-duplication software not been run, only 17 pages of documents from Mr. Germain would have been produced. *See* September 18, 2018 letter at 4-5. Is the District's position that, among all of the emails provided to it by Mr. Germain, only 17 pages were responsive, and those 17 pages happened to be exact duplicates of other documents already

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produced? Please confirm that is the District's position. If there are additional responsive documents from Mr. Germain that have not yet been produced, Plaintiffs demand that the District produce those documents no later than October 26, 2018. In addition, to better address the District's de-duplication claims, Plaintiffs request that the District provide them with the 17 pages from Mr. Germain that are supposedly identical duplicates of documents already produced, along with the corresponding Bates numbers of the document(s) to which those pages are duplicative. Additionally, as requested in Plaintiffs' October 12, 2018 letter, please provide Plaintiffs with a full list of search terms applied to Mr. Germain's documents, and other third party documents. Please provide Plaintiffs with the terms exactly as they were applied, including any limiters, by October 26, 2018.

Plaintiffs reserve their right to seek relief from the Court regarding the issues set forth in this letter and Plaintiffs' September 11 and October 12 letters. We are available to meet and confer on the issues discussed above at the District's earliest convenience. Given the number of upcoming depositions in this matter and the importance of promptly resolving these disputes, Plaintiffs request that the District respond to this letter, and Plaintiffs' October 12, 2018 letter, no later than Wednesday, October 24, 2018.

Sincerely,



Claudia T. Salomon